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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

12/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,218	Applicant(s) HOUBOLT ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,10-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,10-17,19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that claims 20 and 21 feature an incorrect status identifier of (Previously Presented). In the next response, claims 20 and 21 must incorporate a (Withdrawn) status identifier.

Election/Restrictions

1. Applicant's traversal of withdrawal of claims 20 and 21 by original is not found persuasive. The paragraph cited by applicant lists 4 different pivot coupling embodiments (3 of which could be considered to be shown in the Drawings). Since applicant received an Office action on the merits, the embodiments shown in Figures were, therefore, elected by original presentation. As stated in the previous Office action, it is clear that the coupling, as show in the Figures, could only be considered a hinge, an integral hinge, or the generic coupling mechanism. The snap-hook structure is not shown and could not possibly have been part of the original presentation election. It is noted that if the independent claims were to reach the stage of allowance, this restriction would be withdrawn and claims 20 and 21 rejoined because, as applicant, clearly pointed out, there is support for this limitation. However, if claims 20 and 21 were to be rejoined, the drawings would be objected to under 37 CFR 1.83(a) because the claimed snap-hook structure is not shown.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claims 1 and 6 are objected to because of the following informalities: on lines 4-6 of claim 1 and line 2 of claim 6, the phrase "said cutting blade" should be replaced

with "said cutting blades". On line 11 of claim 1, the phrase "said cutting edge" should be replaced with "said cutting edges". These changes are necessary to match the amendment to lines 2-3 of claim 1. It is recommended that all of the remaining claims be reviewed and all missed locations of this error be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4-6, and 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, the phrase "first and second cutting blades...substantially in-line with the first coupling" is unclear. Basically, it is unclear how the blades are aligned with the first coupling or along what direction the blades are aligned with the first coupling. Using applicants Figures 2, the dotted line extending downward from the coupling is clearly only aligned with one of the blades, therefore the coupling is not aligned with the other blade making the limitation in question untrue at least in this direction. Also, the specification should be amended to incorporate this description of alignment between the coupling and the blades.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-6, and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avidor (5,933,960) in view of Zucker (6,442,840) and Apprille, Jr. (5,661,907).

With regards to claim 1, Avidor discloses the invention including first and second cutting blades having a cutting edges (Fig. 16), an actively drivable device arranged behind the cutting blade relative to a cutting direction (122), a guard arranged in front of the cutting blade (104), a first coupling coincident with a pivot axis between the shaving head and a handle attached to the shaving head by the coupling (132), the pivot axis being arranged at least essentially parallel to the cutting blades (132), the blades coupled to the shaving head on either side (Figure 16 clearly shows the blades being coupled to either side of the head), and the pivot axis is arranged such that a force component applied perpendicularly to the cutting direction through the coupling and pivot axis is distributed to the device and the guard (Fig. 17).

With regards to claims 2 and 4-6, Avidor discloses at least one spring element (150), the guard capable of performing a hair erecting/lubrication function (104), and the guard comprises at least one strip arranged parallel to the cutting blade (104).

With regards to claims 9-11, Avidor discloses the pivot having a coupling arranged to couple the shaving head to the handle (132), the device has at least one actively drivable roller (122), and wherein a direction of rotation of the roller when active corresponds to the cutting direction (122).

With regards to claims 12-17, Avidor discloses the device is driven via a movement over skin (122), the stretching device is driveable by an electromotor (column 10 lines 20-23), the motor is associated with the shaving head/handle (column 10 lines 20-23 and Fig. 13), a second coupling for coupling the device to the motor (column 10 lines 20-23), and the pivot axis is arranged at a middle position (Fig. 17).

However, with regards to claims 1, 9, 10, 12, 13, and 16, Avidor fails to disclose the actively drivable device is a skin stretching device.

Zucker teaches it is old and well known in the art of shaving devices to incorporate 2 rollers that cooperate to stretch the skin (Column 5 lines 14-28). Therefore, it is well within ones technical grasp to have substituted roller 122 with a roller that would cooperate with guard 104 to stretch the skin. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have replaced the roller of Avidor with a skin stretching roller, as taught by Zucker, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, Avidor, as written above, discloses a force is distributed to the stretching device and the guard but Avidor fails to disclose the force is distributed equally to the stretching device and the guard.

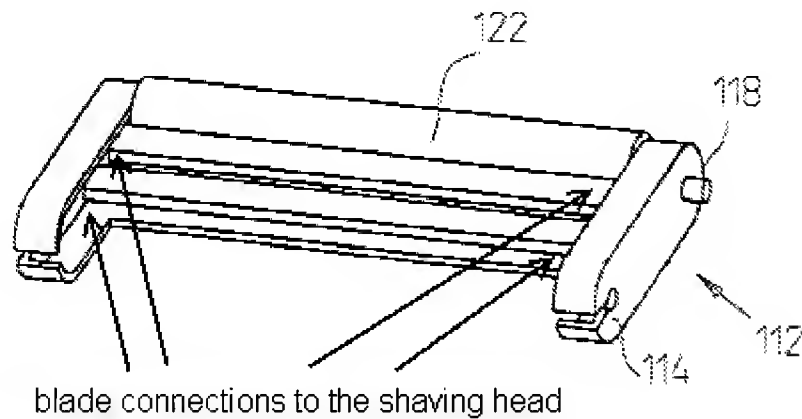
Apprille Jr. teaches it is old and well known in the art of pivoting razor heads to balance out the force distribution based on the position of the pivot axis (column 2 lines

32-36 and column 7 lines 48-65). In light of Apprille Jr., it would have been well within one technical grasp to have balance out any two working portions designed to interact with the skin. In other words, it would have been obvious in Avidor to have moved the pivot axis 132 to a spot on the back of the razor to allow the forces to distribute equally to 104 and 122. Now the combination of Avidor in view of Apprille Jr. discloses the blades being substantially in-line with the first coupling (there is a straight line from the first blade to the coupling and there is a straight line from the second blade to the coupling) that is offset from the cutting edges (132). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have distributed forces equally to the stretching device and the guard, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Therefore, it would have been an obvious matter of design choice to modify the device of Avidor to obtain the invention as specified in claim 1. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

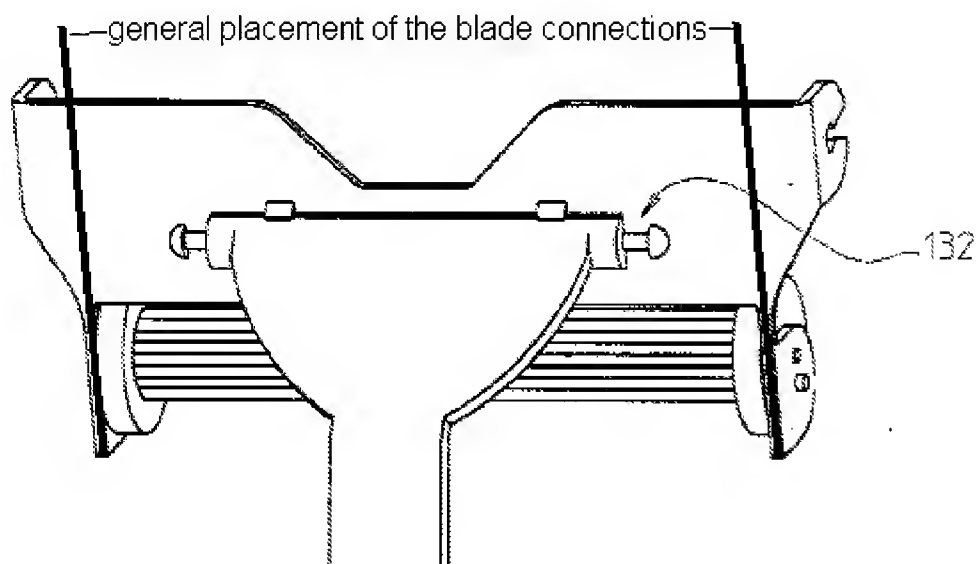
7. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avidor in view of Zucker. See rejection above for the overlapping disclosure between claims 1 and 19. With regards to the newly added portions, Avidor discloses a shaving head (130 and 112), two cutting blades with cutting edges (Fig. 16), and the

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coupling and pivot axis is arranged between (see Figures below) and substantially in-line (there is a straight line from the first blade to the coupling and there is a straight line from the second blade to the coupling, therefore the coupling is in-line with each of the blades) with where the two cutting blades are coupled to the shaving head.



The blades are coupled to the outer edges of the shaving head.



The added dark lines represent roughly where these blade couplings are located to illustrate the pivot axis 132 is clearly between the where the two blades are coupled to the shaving head.

Response to Arguments

8. Applicant's arguments filed 21 September 2010 have been fully considered but they are not persuasive. First, portion 112 of Avidor's Figure 16 is considered part of the shaving head. With regards to claim 1, the blades are clearly coupled on either side of the shaving head to walls 114 (shown in the Figure above). With regards to claims 1 and 19, in light of the fact that there is a straight line between any two points, an imaginary straight line can be drawn to connect any one of the blade/head coupling locations with the pivot axis/coupling. Therefore, each of these blade/head coupling locations is in-line with the pivot axis/coupling at any given time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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13 December 2010

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724